

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

MARKO BOSKIC

Case No. 04-CR-10298-DPW

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE
PORTIONS OF THE OCTOBER 14, 1995 VIDEO**

Defendant hereby moves this Court to exclude portions of the October 14, 1995 video because the probative value of such is substantially outweighed by the danger of unfair prejudice, and by concerns of wasting time. Fed. R. Evid. 403. With the limited exception of the first twelve minute section, the video does not add any relevant evidence to the facts of this case, and only serves to create a bias against the defendant by showing the jurors images of violence and instruments of death, and a celebration of war. In support of this motion, defendant states the following:

1. The video is approximately fifty-five (55) minutes long and shows the 10th Sabotage Detachment Unit of the Army of the Republic of Srpska engaged in an awards ceremony, a display of weaponry and hand-to-hand combat techniques, and a party. The ceremony/combat display and the party appear to be at two different locations. There is no indication as to when the three events took place in relation to each other. The defendant can be identified on the video during the awards ceremony, which is the first twelve (12) minutes and fifteen (15)

seconds of the video. The defendant is shown for only a few seconds. The defendant cannot be identified, even briefly, in any other part of the video.

2. The government has informed defense counsel that it intends to present the video for the limited purpose of showing that the defendant was a member of the 10th Sabotage Detachment.

3. There is no probative value to the portions of the video showing the combat display and the party since there is no intention that defendant was at either event.

4. The danger of unfair prejudice to the defendant is high. There is no evidence that the defendant used, or was ever trained to use, the weapons shown in the video, or that he was ever trained in hand-to-hand combat techniques. To suggest to the jury that defendant trained, or to suggest that defendant ever used such techniques, is inflammatory and unfair.

5. It is also prejudicial to the defendant to display to the jury a celebration of the 10th Sabotage Detachment Unit, especially when there is no evidence that he attended the party. It is unfair to suggest that defendant would or did, take part in any celebration of the 10th Sabotage Detachment Unit.

6. There is also a concern that watching the last two portions of the video will waste the court's time and resources because it is approximately forty-three (43) minutes long and would need to be translated into English from the Serbian language.

Thus, only the first twelve minutes of the video should be admitted, and the remaining two segments should be excluded because their probative value is substantially outweighed by the danger of unfair prejudice.

Respectfully submitted,

/s/ Patricia Garin

Max D. Stern

BBO No. 479560

Patricia Garin

BBO No. 544770

Stern Shapiro Weissberg & Garin,
LLP

90 Canal Street, Suite 500

Boston, MA 02144

617-742-5800

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